

Senate File 383

S-3125

1 Amend Senate File 383 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. NEW SECTION. 9E.1 Purpose.

5 The general assembly finds that individuals  
6 attempting to escape from actual or threatened domestic  
7 abuse, domestic abuse assault, sexual abuse, stalking,  
8 or human trafficking frequently establish new addresses  
9 in order to prevent their assailants or probable  
10 assailants from finding them. The purpose of this  
11 chapter is to enable state and local agencies to  
12 respond to requests for data without disclosing the  
13 location of a victim of domestic abuse, domestic abuse  
14 assault, sexual abuse, stalking, or human trafficking;  
15 to enable interagency cooperation with the secretary of  
16 state in providing address confidentiality for victims  
17 of domestic abuse, domestic abuse assault, sexual  
18 abuse, stalking, or human trafficking; and to enable  
19 program participants to use an address designated  
20 by the secretary of state as a substitute mailing  
21 address for the purposes specified in this chapter. In  
22 addition, the purpose of this chapter is to prevent  
23 such victims from being physically located through a  
24 public records search.

25 Sec. 2. NEW SECTION. 9E.2 Definitions.

26 As used in this chapter, unless the context  
27 otherwise requires:

28 1. "*Address*" means a residential street address,  
29 school address, or work address of an individual, as  
30 specified on the individual's application to be a  
31 program participant under this chapter.

32 2. "*Applicant*" means an adult, a parent or guardian  
33 acting on behalf of an eligible minor, or a guardian  
34 acting on behalf of an incapacitated person as defined  
35 in section 633.701.

36 3. "*Designated address*" means the mailing address  
37 assigned to a program participant by the secretary.

38 4. "*Domestic abuse*" means the same as defined in  
39 section 236.2.

40 5. "*Domestic abuse assault*" means the same as  
41 defined in section 708.2A.

42 6. a. "*Eligible person*" means a person who is all  
43 of the following:

44 (1) A resident of this state.

45 (2) An adult, a minor, or an incapacitated person  
46 as defined in section 633.701.

47 (3) A victim of domestic abuse, domestic abuse  
48 assault, sexual abuse, stalking, or human trafficking  
49 as evidenced by the filing of a petition pursuant to  
50 section 236.3 or a criminal complaint or information

1 pursuant to section 708.2A, 708.11, or 710A.2, or any  
2 violation contained in chapter 709.

3     *b.* For purposes of this subsection, a person  
4 determined to be a sexually violent predator pursuant  
5 to section 229A.7 or a similar law of another state is  
6 not an eligible person.

7     7. "*Human trafficking*" means a crime described in  
8 section 710A.2.

9     8. "*Mail*" means first-class letters and flats  
10 delivered via the United States postal service,  
11 including priority, express, and certified mail,  
12 and excluding packages, parcels, periodicals, and  
13 catalogues, unless they are clearly identifiable as  
14 pharmaceuticals or clearly indicate that they are sent  
15 by a state or county government agency.

16     9. "*Program*" means the address confidentiality  
17 program established in this chapter.

18     10. "*Program participant*" means an individual  
19 certified by the secretary as a program participant  
20 under section 9E.3.

21     11. "*Secretary*" means the secretary of state.

22     12. "*Sexual abuse*" means a violation of any  
23 provision of chapter 709.

24     13. "*Stalking*" means the same as defined in section  
25 708.11.

26     Sec. 3. NEW SECTION. **9E.3 Address confidentiality**  
27 **program.**

28     1. *Application.* The secretary shall certify  
29 an eligible person as a program participant if the  
30 secretary receives an application containing all of the  
31 following information:

32     *a.* The full legal name of the eligible person.

33     *b.* A statement by the applicant that the applicant  
34 has good reason to believe any of the following:

35         (1) Either of the following:

36             (a) The eligible person listed on the application  
37 is a victim of domestic abuse, domestic abuse assault,  
38 sexual abuse, stalking, or human trafficking.

39             (b) The eligible person fears for the person's  
40 safety, the safety of another person who resides in the  
41 same household as the eligible person, or the safety of  
42 persons on whose behalf the application is made.

43         (2) The eligible person is not applying for  
44 certification as a program participant in order to  
45 avoid prosecution.

46     *c.* A designation of the secretary as the agent for  
47 service of process and for the purpose of receipt of  
48 mail.

49     *d.* The telephone number or telephone numbers where  
50 the secretary can contact the applicant or eligible

1 person.

2 e. The residential address of the eligible person,  
3 disclosure of which could lead to an increased risk of  
4 domestic abuse, domestic abuse assault, sexual abuse,  
5 stalking, or human trafficking.

6 f. If mail cannot be delivered to the residential  
7 address of the eligible person, the address to which  
8 mail can be sent to the eligible person.

9 g. A statement whether the eligible person would  
10 like information on becoming an absentee ballot  
11 recipient pursuant to section 9E.6.

12 h. A statement from the eligible person that gives  
13 the secretary consent to confirm the eligible person's  
14 participation in the program to a third party.

15 i. The signature of the applicant indicating the  
16 applicant's authority to act on behalf of the eligible  
17 person, if appropriate.

18 j. The date the application was signed.

19 k. Any other information as required by the  
20 secretary pursuant to rule.

21 2. *Filing.* Applications shall be filed with the  
22 secretary.

23 3. *Certification.* Upon filing a complete  
24 application, the secretary shall certify the eligible  
25 person as a program participant. A program participant  
26 shall be certified for four years following the  
27 date the application is certified by the secretary  
28 unless the certification is canceled, withdrawn, or  
29 invalidated. The secretary shall establish by rule a  
30 renewal procedure for recertification.

31 4. *Changes in information.* A program participant or  
32 an applicant shall inform the secretary of any changes  
33 in the program participant's information submitted on  
34 the application.

35 5. *Designated address.* The secretary shall assign  
36 a designated address to which all mail for a program  
37 participant shall be sent.

38 6. *Attaining age of majority.* An individual who  
39 was a minor when the person was certified as a program  
40 participant is responsible for changes in information  
41 and renewal after the individual reaches the age of  
42 eighteen.

43 7. *Liability.* A governmental body, as defined in  
44 section 21.2, or an entity created pursuant to chapter  
45 28E, shall not be liable for acts or omissions relating  
46 to this chapter.

47 Sec. 4. NEW SECTION. 9E.4 Certification  
48 cancellation.

49 1. The secretary may cancel a program participant's  
50 certification under any of the following circumstances:

1     a. The program participant's legal name or contact  
2 information changes, unless the program participant  
3 provides the secretary with prior written notice of the  
4 name change or contact information.  
5     b. Mail forwarded by the secretary to the program  
6 participant's address is returned as undeliverable by  
7 the United States postal service.  
8     c. The program participant is no longer eligible  
9 for the program.  
10    d. The program participant does not accept service  
11 of process or is unavailable for delivery of service of  
12 process as described in section 9E.5, subsection 4.  
13    2. The secretary shall cancel a program  
14 participant's certification if the program  
15 participant's application contains false information.  
16    Sec. 5. NEW SECTION. 9E.5 Use of designated  
17 address.  
18    1. When a program participant presents the program  
19 participant's designated address to any person, that  
20 designated address shall be accepted as the address  
21 of the program participant. The person shall not  
22 require the program participant to submit any other  
23 address that could be used to physically locate the  
24 program participant either as a substitute address  
25 or in addition to the designated address, or as a  
26 condition of receiving a service or benefit, unless  
27 the service or benefit would be impossible to provide  
28 without knowledge of the program participant's physical  
29 location.  
30    2. A program participant may use the designated  
31 address as the program participant's work address.  
32    3. The secretary shall forward all mail sent to the  
33 designated address to the program participant.  
34    4. The office of the secretary of state shall  
35 act as agent of the program participant for purposes  
36 of service of process. The secretary of state shall  
37 forward any service of process received by the office  
38 of the secretary of state by certified mail, return  
39 receipt requested to the designated address of the  
40 program participant within three days of receipt  
41 in the office of the secretary of state. A program  
42 participant shall either accept or reject service of  
43 process and the secretary of state shall notify the  
44 person initiating the service of process, unless such  
45 person is not ascertainable from the service of process  
46 documents, of the date of the program participant's  
47 acceptance or rejection of the service of process. The  
48 date of service of the service of process is the date  
49 of the participant's acceptance or rejection.  
50    5. If a program participant has notified a person

1 in writing, on a form prescribed by the secretary,  
2 that the individual is a program participant and of  
3 the requirements of this section, the person shall not  
4 knowingly disclose the program participant's address,  
5 unless any of the following:  
6     a. The person to whom the address is disclosed  
7 also lives, works, or goes to school at the address  
8 disclosed.  
9     b. The program participant has provided written  
10 consent to disclosure of the program participant's name  
11 and address for the purpose for which the disclosure  
12 will be made.  
13     6. This section does not apply to documents or  
14 records relating to real property. The secretary shall  
15 offer a program participant information relating to the  
16 purchase of real property utilizing limited liability  
17 companies, trusts, or other legal entities in order to  
18 protect the participant's identity for purposes of this  
19 program when purchasing real property.  
20     Sec. 6. NEW SECTION. 9E.6 Voting by program  
21 participant — absentee ballot.  
22     1. A program participant who is an eligible elector  
23 may register to vote with the state commissioner of  
24 elections, pursuant to section 48A.8, subsection 1.  
25 The name, address, and telephone number of a program  
26 participant shall not be listed in the statewide voter  
27 registration system.  
28     2. a. A program participant who is otherwise  
29 eligible to vote may annually register with the state  
30 commissioner of elections as an absentee voter. As  
31 soon as practicable before each election, the state  
32 commissioner of elections shall determine the precinct  
33 in which the residential address of the program  
34 participant is located and shall request and receive  
35 from the county commissioner of elections the ballot  
36 for that precinct and shall forward the absentee ballot  
37 to the program participant with the other materials  
38 for absentee balloting as required of the county  
39 commissioner of elections by section 53.8.  
40     b. The program participant shall complete the  
41 ballot and return it to the state commissioner of  
42 elections, who shall review the ballot in the manner  
43 provided by sections 53.18 and 53.19. If the materials  
44 comply with the requirements of section 53.18, the  
45 materials shall be certified by the state commissioner  
46 of elections as the ballot of a program participant,  
47 and shall be forwarded to the appropriate county  
48 commissioner of elections for tabulation by the special  
49 voters precinct election board appointed pursuant to  
50 section 53.23.

1 c. The state commissioner of elections, to the  
2 extent practicable, shall administer this section in  
3 accordance with the provisions of chapters 48A and 53  
4 applicable to county commissioners of elections.

5 Sec. 7. NEW SECTION. 9E.7 Confidentiality of  
6 information.

7 1. a. Except as otherwise provided in subsection  
8 2, information collected, created, or maintained by the  
9 secretary related to applicants, eligible persons, and  
10 program participants is confidential unless otherwise  
11 ordered by a court or released by the lawful custodian  
12 of the records pursuant to state or federal law.

13 b. A program participant's name and address  
14 maintained by a local governmental body that is  
15 part of an ongoing investigation or inspection of an  
16 alleged health code, building code, fire code, or city  
17 ordinance violation allegedly committed by the program  
18 participant is confidential information.

19 2. Upon request from the department of public  
20 safety, the secretary may share confidential  
21 information with the department of public safety. Such  
22 confidential information received by the department  
23 of public safety may be released to a law enforcement  
24 agency upon verification that the release will aid the  
25 law enforcement agency in responding to an emergency  
26 situation, a criminal complaint, or an ongoing  
27 investigation.

28 3. This section shall not be construed to prohibit  
29 the dissemination of information relating to the  
30 program to any agency or organization if necessary  
31 for carrying out the official duties of the agency or  
32 organization, or to a person if disseminated for an  
33 official purpose, or to any other person if necessary  
34 to protect a person or property from a threat of  
35 imminent serious harm.

36 4. If a program participant has notified the  
37 program participant's landlord in writing that the  
38 individual is a program participant pursuant to this  
39 chapter, a local ordinance or the landlord shall not  
40 allow the display of the program participant's name at  
41 an address otherwise protected under this chapter.

42 5. This section shall not be construed to prohibit  
43 the enforcement of a lease agreement between a program  
44 participant and a program participant's landlord.

45 Sec. 8. Section 48A.8, subsection 1, Code 2015, is  
46 amended to read as follows:

47 1. An eligible elector may request that a voter  
48 registration form be mailed to the elector. The  
49 completed form may be mailed or delivered by the  
50 registrant or the registrant's designee to the

1 commissioner in the county where the person resides or  
2 to the state commissioner of elections for a program  
3 participant, as provided in section 9E.6. A separate  
4 voter registration form shall be signed by each  
5 individual registrant.

6 Sec. 9. Section 53.2, Code 2015, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 9. A registered voter who is a  
9 program participant under section 9E.6 may register to  
10 vote as an absentee voter with the state commissioner  
11 of elections pursuant to section 9E.6, subsection 2.

12 Sec. 10. Section 252B.9, subsection 3, paragraph  
13 i, Code 2015, is amended by adding the following new  
14 subparagraph:

15 NEW SUBPARAGRAPH. (07) The unit receives  
16 notification that an individual is a certified program  
17 participant as provided in chapter 9E.

18 Sec. 11. Section 252B.9, subsection 3, paragraph  
19 i, subparagraph (7), Code 2015, is amended to read as  
20 follows:

21 (7) The unit receives notification, as the result  
22 of a request under section 252B.9A, of the existence  
23 of any finding, order, safety plan, certification, or  
24 founded allegation referred to in subparagraphs (1)  
25 through ~~(6)~~ (07) of this paragraph.

26 Sec. 12. Section 602.8102, subsection 135A, Code  
27 2015, is amended to read as follows:

28 135A. Assess the surcharges provided by sections  
29 911.1, 911.2, 911.2A, 911.2B, 911.2C, 911.3, and 911.4.

30 Sec. 13. Section 602.8108, Code 2015, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 6A. An address confidentiality  
33 program fund is established as a separate fund in the  
34 state treasury. The clerk of the district court shall  
35 remit all moneys collected from the assessment of the  
36 surcharges provided in sections 911.2B and 911.2C to  
37 the state court administrator for deposit in the fund,  
38 which shall be transferred by the treasurer of state  
39 on a quarterly basis to the office of the secretary of  
40 state to defray the administrative costs associated  
41 with the address confidentiality program established in  
42 chapter 9E.

43 Sec. 14. NEW SECTION. 911.2B Domestic abuse  
44 assault, sexual abuse, stalking, and human trafficking  
45 victim surcharge.

46 1. In addition to any other surcharge, the court  
47 or clerk of the district court shall assess a domestic  
48 abuse assault, sexual abuse, stalking, and human  
49 trafficking victim surcharge of one hundred dollars if  
50 an adjudication of guilt or a deferred judgment has

1 been entered for a violation of section 708.2A, 708.11,  
2 or 710A.2, or chapter 709.

3 2. In the event of multiple offenses, the surcharge  
4 shall be imposed for each applicable offense.

5 3. The surcharge shall be remitted by the clerk of  
6 court as provided in section 602.8108, subsection 6A.

7 Sec. 15. **NEW SECTION. 911.2C Domestic abuse**  
8 **protective order contempt surcharge.**

9 1. In addition to any other surcharge, the court  
10 or clerk of the district court shall assess a domestic  
11 abuse protective order contempt surcharge of fifty  
12 dollars against a defendant who is held in contempt of  
13 court for violating a domestic abuse protective order  
14 issued pursuant to chapter 236.

15 2. In the event of multiple violations, the  
16 surcharge shall be imposed for each applicable  
17 violation.

18 3. The surcharge shall be remitted by the clerk of  
19 court as provided in section 602.8108, subsection 6A.

20 Sec. 16. **EFFECTIVE DATE.** Except for the sections  
21 of this Act amending sections 602.8102 and 602.8108  
22 and enacting sections 911.2B and 911.2C, imposing a  
23 domestic abuse assault, sexual abuse, stalking, and  
24 human trafficking victim surcharge and a domestic abuse  
25 protective order contempt surcharge, this Act takes  
26 effect January 1, 2016.>

27 2. Title page, by striking lines 1 through  
28 3 and inserting <An Act establishing an address  
29 confidentiality program in the office of the secretary  
30 of state for a victim of domestic abuse, domestic abuse  
31 assault, sexual abuse, stalking, and human trafficking  
32 and providing for a fee and including effective date  
33 provisions.>

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